

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EDWARD SLAPPY
Individual,

Plaintiff,

Case No.: 19-cv-10171
Hon. Victoria A. Roberts

v.

**ERIC CARTHAN, ERIC BROMLEY,
RANDOLPH WILLIAMS, in their individual
and official capacities and CITY OF
DETROIT, Jointly and Severally,**

Defendants.

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DEFENDANTS' MOTION IN LIMINE TO EXCLUDE EVIDENCE
OR TESTIMONY REGARDING ANY ALLEGED VIOLATION
OF DPD POLICE MANUAL PROVISIONS

NOW COME Defendants, Eric Bromley, Eric Carthan and Randolph Williams, by and through their attorney, **ALFRED A. ASHU**, and hereby state the following in support of their Motion in Limine:

CONCISE STATEMENT OF THE ISSUES PRESENTED

1. Should the Court enter an order precluding plaintiff from presenting testimony or evidence regarding any alleged violation of DPD policy?

Defendants say: “Yes”

Plaintiff says: “No”

STATEMENT OF MOST APPROPRIATE AUTHORITY

A district court can rule on evidentiary motions in limine “to narrow the issues remaining for trial and to minimize disruptions at trial.” *United States v. Brawner*, 173 F.3d 966, 970 (6th Cir. 1999).

Fed. R. Evid. 403.

DEFENDANT'S BRIEF IN SUPPORT OF MOTION

During discovery, Plaintiff questioned Defendants regarding whether they followed DPD policy in all respects as it related to their detention of Plaintiff. An alleged failure to comply with an administrative rule or policy does not itself rise to the level of a constitutional violation. *Laney v. Farley*, 501 F.3d 577, 581 n.2 (6th Cir. 2007). *Brody v. City of Mason*, 250 F.3d 432, 437 (6th Cir. 2001); *Smith v. Freland*, 954 F.2d 343, 347-48 (6th Cir. 1992); *Barber v. City of Salem*, 953 F.2d 232, 240 (6th Cir. 1992); *McVeigh v. Bartlett*, No. 94-23347, 1995 WL 236687, at *1 (6th Cir. Apr. 21, 1995) (failure to follow policy directive does not rise to the level of a constitutional violation because policy directive does not create a protectable liberty interest).

Since the violation of a policy does not establish a constitutional violation, Plaintiff should be precluded from offering evidence or eliciting testimony from witnesses regarding any such violation because such evidence/testimony is irrelevant and more prejudicial than probative and would be misleading to the jury and confusing on the issues.

CONCLUSION

WHEREFORE Defendants, City of Detroit Police Officers Eric Bromley, Eric Carthan and Randolph Williams respectfully request that this Honorable Court

grant Defendants' Motions in Limine, and grant such other relief as this Honorable Court deems equitable and appropriate.

Respectfully submitted

/s/ *Alfred Ashu*

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Dated: June 28, 2021

LR 7.1(a) STATEMENT OF COMPLAINT

The undersigned certifies that he has in good faith conferred or attempted to confer with opposing counsel in an effort to obtain the requested relief without court action.

Alfred Ashu
Alfred A. Ashu

CERTIFICATE OF SERVICE

The undersigned certifies that on June 28, 2021, he served the foregoing papers upon the above named counsel of record by E-Service.

Alfred Ashu
Alfred A. Ashu